

REMARKS

Claims 1-3 and 5-7 have been rejected under 35 U.S.C. § 102(b) as anticipated by Sjoberg (EP 0 401 184), while Claim 4 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Sjoberg, and Claim 8 has been rejected as unpatentable over Sjoberg and further in view of Pyle (U.S. Patent No. 4,503,994). However, for the reasons set forth hereinafter, Applicants respectfully submit that all claims of record in this application distinguish over the cited references, whether considered separately or in combination.

The Office Action indicates at page 2 that Sjoberg discloses an ordnance (10) which includes a cavity (9) which is filled with explosive material (4) with the explosive material being contained in a bag (1) that is within the cavity. In addition, the Office Action further states that Figure 1 shows the bag (1) inserted into the explosive's cavity (9) and filled with explosive material. Applicants respectfully submit, however, that these characterizations are based on an incorrect interpretation of the drawings and text of the Sjoberg patent.

In particular, Applicants note that a careful review of the Sjoberg reference indicates that the bag (1) is never at any stage of the process disposed inside the cavity (9) of the ordnance which is being filled. Rather, Figure 1 shows a steel cylinder (3) (Column 3, lines 20-21), that is used as part of the filling apparatus, and is not part of the ordnance itself. Thus, for example, the

specification states at Column 3, lines 38-42, "The steel container is preferably made fitted with wheels in order to be capable of being utilized as a transport device from the mixing premises to a premises where filling of the ammunition unit in question is to take place." As depicted in Figure 1, the bag (1) is filled with an explosive material inside the steel cylinder (3) (Figures 1-3). As shown in Figure 4, pressure is then applied to the interior of the steel cylinder (3) and against the exterior of the bag, such that the explosive material is forced out of the bag and into the explosive's cavity (9) of the ordnance (10). (See Column 4, lines 7-9.) The bag does not enter the ordnance, and is purely for filling purposes. It is notable in this regard, that Figure 5 merely shows the bag turned inside out for the purpose of cleaning (and not within the ordnance container (10)), as described in the specification at Column 4, lines 16-20.

As can be seen from the foregoing brief description, the Sjoberg method and apparatus are directed to solving the problem of filling ordnance, as noted at Column 1, lines 28-45. It neither teaches nor suggests the provision of an explosive cavity lined with a bag, such as recited in Claims 1 through 4 of the present application, or a method of filling an explosive cavity in ordnance by inserting a bag into the explosive cavity and filling it with explosive materials, as defined in Claims 5-8. Moreover, in addition to the fundamental difference in structure and method steps as described above, it is also noteworthy that the Sjoberg patent neither addresses nor deals with the problem addressed by the

present invention of environmental cycling and physical vibration, as described at page 2, lines 7 through 11 of the specification herein.

The Pyle reference, on the other hand, is cited only as describing a fiber-optic liquid level sensing device that shuts off the flow of fluid when it reaches a certain height. Accordingly, it is apparent that Pyle also fails to teach or suggest those features of the present invention as recited in Claims 1 and 5, which are missing in Sjoberg. In particular, Pyle neither teaches nor suggests an arrangement in which a bag is inserted inside the explosives cavity in ordnance, and filled with an explosive material. Accordingly, Applicants respectfully submit that Claims 1 and 5, and therefore all claims of record in this application, distinguish over the cited references.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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please charge any deficiency in fees or credit any overpayments to Deposit
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Respectfully submitted,



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